

Subject: Re: CPRA responses (PALI.2019.04.19.b)

From: [REDACTED]

Date: 5/22/19, 4:43 PM

To: "Pamela Magee" <pmagee@palihigh.org>

Dr. Magee,

I congratulate you on your wrong but at least new-to-me-wrong interpretation of Cal. Gov. Code Section 6254(b). I have had a lot of flim-flam pulled on me over the years with respect to exemption claims but no one's ever pulled this particular one! I mean, I could see immediately that it was wrong, but I didn't know whether or not the world agreed with me and, if it did, what might the world's reasoning be. Which is why I actually had to do some actual legal research! But it worked out like I thought it would!

So anyway, thanks for the novelty, but your claim that these emails are exempt as "pertaining to pending litigation" is, it turns out, completely, utterly, thoroughly, and even literally indefensible. If you take a look at the 1998 case Fairley v. Superior Court you'll see that the court held, with respect to 6254(b), citing and upholding dicta in the earlier case City of Hemet v. Superior Court, that "... a document is protected from disclosure only if it was specifically prepared for use in litigation." Since no one, I assume, thinks that any of these emails were "specifically prepared for use in litigation" it's pretty clear that they're not exempt and you ought to hand them over immediately.

If I don't hear from you by Friday, May 31, with a reply expressing complete and unconditional agreement with this analysis and a firm date by which you expect to produce these records I will take this lapse to mean that you're continuing to refuse to produce the records, and I will take action accordingly.

Thank you, as always, for your assistance, Dr. Magee!

[REDACTED]

On Mon, May 20, 2019, at 1:34 PM, Pamela Magee wrote:

Hello [REDACTED]

Here is an update on your pending CPRA requests from Palisades Charter High School. PCHS appreciates your patience. We are working to have remaining documentation as quickly as possible.

Pam Magee